CWP No.991 of 2007.

9.8. 2007 Present : Mr.B.C.Negi, counsel for the petitioners.
Mr.M.S.Chandel, A.G. with Mr.R.M.Bisht, Dy.A.G.
for respondents.

Petitioner by means of this writ petition has challenged the corrigendum Annexure P-9 whereby the upgradation of Government Primary School Gadahu has been cancelled and in its place Government Primary School, Thaya Kiladi has been ordered to be upgraded.

A notification was firstly issued on 16.6.2007 in which Government Primary School, Gadahu was upgraded as a Middle School. Thereafter, by impugned notification dated 4th July, 2007 the earlier notification dated 16.6.2007 was modified and in place of Government Primary School Gadahu, Government Primary School Thaya Kiladi was upgraded.

Shri B.C.Negi, learned counsel appearing for the petitioner submits that the down-grading of the School has been done for extraneous consideration not relevant for the purpose of upgradation of the School in question. He also submits that the Government Primary School Gadahu was earlier rightly upgraded as it catered to the needs of a number of villages in the area in question.

In reply to the writ petition, the respondents have admitted the fact that initially the Government had taken a decision to upgrade the Government Primary School, Gadahu. It is apparent from some of the Annexures filed with the rejoinder that on 16.6.2007 itself i.e. the date when the original notification of upgradation of Government Primary School Gadahu was issued, it had been brought to the notice

of the Chief Minister that this school had only two students and there are only two teachers and therefore it would not be advisable to upgrade this school. Though this decision was taken on 16.6.2007 the notification had already been issued. The respondents with their reply have also filed two reports issued by the Block Elementary Education Officers Suni and Kumarsain. These reports clearly depict that in Government Primary School Gadahu there are only four students and even after upgradation the strength of the students is likely to be only four. In Government Primary School, Thaya Kiladi the number of students is 22. Obviously the need for upgradation of Government Primary School Thaya Kiladi is greater. We feel that the decision taken by the Government is based on adequate material and it cannot by any stretch of imagination be said that the Government has taken an arbitrary or illegal decision. The writ petition is dismissed.

In view of the dismissal of the writ petition, CMP No.1672 of 2007 is also dismissed.

(Deepak Gupta),
Judge

August 9, 2007 **(V.K. Ahuja)**
PV **Judge.**